

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER A. JONES, )  
                            )  
                            )  
Plaintiff,               )  
                            )  
                            )  
v.                         )                  Case No. CIV-15-49-D  
                            )  
                            )  
STATE OF GEORGIA, and )  
WARDEN OF CENTRAL STATE PRISON, )  
                            )  
                            )  
Defendants.              )

**O R D E R**

Plaintiff's complaint [Doc. No. 1] alleges that he is a citizen of Oklahoma City and that he presently resides at the Central State Prison in Macon Georgia. The complaint purports to bring claims for relief pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings. In a Report and Recommendation [Doc. No. 5] issued on January 23, 2015, the Magistrate Judge conducted an initial review of the complaint and recommended that Plaintiff's claims be summarily dismissed without prejudice to refiling. The Magistrate Judge determined the relief requested by Plaintiff – that his Georgia state conviction be overturned – is not available in an action brought pursuant to § 1983 and instead must be brought in an action for federal habeas corpus relief. The Magistrate Judge further determined Plaintiff's motion for in forma pauperis status [Doc. No. 2] should be denied as moot.

The Magistrate Judge specifically advised Plaintiff of his right to object to the findings and recommendations set forth therein. She further advised Plaintiff that his failure to timely object would constitute a waiver of his right to appellate review of the factual and legal matters in the Report and Recommendation. Plaintiff's deadline for filing objections was February 12, 2015. To

date, Plaintiff has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Accordingly, the Court adopts the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is ADOPTED in its entirety and Plaintiff's complaint is summarily DISMISSED WITHOUT PREJUDICE to refiling.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to Proceed In Forma Pauperis [Doc. No. 2] is DENIED as moot.

IT IS SO ORDERED this 18<sup>th</sup> day of February, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE